

REMARKS

The Office Action contains the following rejections:

1) Claims 1-7, 9-11, 15-21, 23, 24 and 26-28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,489,346 ("Phillips I"); and

4) Claims 8, 10-14, 22, 25 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,840,737 (Phillips II) in view of Phillips I.

Phillips I discloses a composition comprising a non-enteric coated proton pump inhibitor and at least one buffering agent. While Phillips I does broadly state that mixtures of buffering agents can be used, there is no disclosure of any specific mixtures. Phillips I also states that sodium bicarbonate is the preferred buffering agent (column 13, lines 47-48). Furthermore, Phillips I also states that the buffering agent "must only elevate the pH of the stomach sufficiently to achieve adequate bioavailability of the drug" (column 13, lines 59-60).

Phillips I does not disclose "an equimolar ratio" of a carbonate salt and a bicarbonate salt as is presently claimed. Thus Phillips I does not anticipate claims 1-7, 9-11, 15-21, 23, 24 and 26-28 and the Section 102(e) rejection should be withdrawn.

With respect to the Section 103(a) rejection, neither Phillips I nor Phillips II recognizes the problem addressed by the present invention. High doses of sodium bicarbonate produce large amounts of CO₂ and lead to belching which in patients with gastroesophageal reflux disease can worsen their condition. Furthermore, bicarbonates have lower acid - neutralizing capacity than carbonates permitting the use of lesser amounts of buffer and the formation of smaller pills or tablets (see pg. 5, line 23 - page 6,

line 3 of the present application).

Since neither reference recognizes the problem addressed by the present invention and neither reference discloses or suggests the presently claimed composition, a prima facie case of obviousness does not exist and this rejection should be withdrawn.

Favorable consideration and allowance of claims 1-7, 9-21 and 23-29 as presently amended is respectfully requested.

If any fees are incurred as a result of the filing of this paper, authorization is given to charge Deposit Account Number 23-0785.

Respectfully submitted,

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